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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,512

12/21/2004

Haruki Kurumatani

8007-1080

8378

466

7590

10/19/2007

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EXAMINER

SZEKELY, PETER A

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

10/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,512	<b>Applicant(s)</b> KURUMATANI ET AL.	
	<b>Examiner</b> Peter Szekely	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 14-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berte' et al. 4,599,375 or Chisso Corp. JP-09-235407, in view of Brady 3,936,416 or Galli et al. 6,500,881, with Schulenburg 2,901,428, Ueno et al. 3,754,961, Arzoumanidis et al. 4,142,991, Hahn et al. 4,520,135, Jones et al. 4,917,900, Noda et al. 5,395,628, Christensen et al. 5,871,751 or Dale 6,310,027 an evidence.

3. The primary and the secondary references have been discussed already.

Schulenberg discloses silicon dioxide, metallic stearates, higher fatty acids and their esters as agglomeration preventing compounds in column 3, lines 22-40. Ueno et al.

teach silica, Mg stearate and Ca stearate as caking inhibitors in claim 4. Arzoumanidis et al. divulge amorphous silica in claims 13-14, stearamide in claim 21, copper stearate and zinc stearate in claim 51 as agglomeration control compounds. Hahn et al. reveal

Zn stearate and silica as agglomeration-preventing compounds in column 2, lines 29-

31. Jones et al. present Mg stearate and colloidal silica (Aerosil) as anti-agglomeration agents in column 4, lines 58-61. Noda et al. display Mg stearate, Ca stearate, silica and stearic acid as agglomeration inhibitors in column 3, lines 22-25. Christensen et al.

describe Mg stearate, silicon oxide and their blend as agglomeration preventing

compositions in column 12, lines 19-25. Dale lists amorphous silica, Mg stearate and

stearic acid as anti-agglomeration agents in column 7, lines 53-56. The cited references prove that applicants' anti-agglomeration compositions are known and have been used this purpose before. The rejection is maintained.

### ***Response to Arguments***

4. Applicant's arguments filed 10/2/07 have been fully considered but they are not persuasive. Firstly the so-called "unexpected results" are not commensurate with the claims. Applicants claim a blend of any amount of silica with any amount of salts, metal oxides or amides of any fatty acid or with any fatty acid in claim 14. In claim 15, the concentrations of ingredients (C) and (D) are shown as 0.01-10% by weight. The Examples only show blends of silica and fatty acids and their derivatives in the 0.5-1.0% by weight range. Secondly, the newly introduced evidence proves that the anti-agglomerative effect of silica and fatty acids or fatty acid derivatives is not unexpected. These compounds have been used at least from the 1950-s as anti-caking, anti- agglomeration additives to basically any powder or granular composition. Applicants' results are not unexpected.

5. The anticipation and indefiniteness rejections are withdrawn by the examiner in light of applicants' response.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

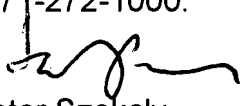
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 6:10 a.m.-4:40 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Peter Szekely

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Primary Examiner  
Art Unit 1796

P.S.  
10/15/07